

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000247

International filing date (day/month/year)
24.01.2005

Priority date (day/month/year)
24.01.2004

International Patent Classification (IPC) or both national classification and IPC
B65D25/04, B60R7/02

Applicant
GREEN, Shaun David

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Bridault, A

Telephone No. +31 70 340-3224



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 22

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 22
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|---------------------|
| Novelty (N) | Yes: Claims | 1-21 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 2-5, 7-10, 19 |
| | No: Claims | 1, 6, 11-18, 20, 21 |
| Industrial applicability (IA) | Yes: Claims | 1-21 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

- 1 Reference is made to the following documents:

D1 : US 2003/080125 A1
D2 : GB 2 384 234 A
D3 : WO 00/12393 A
D4 : DE 42 07 515 A

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses a collapsible container from which the subject-matter of independent claim 1 differs in that both end walls are folded inwardly when the container is collapsed.

2.1.2 The problem to be solved by the present invention may therefore be regarded as further reducing the size of the container when it is collapsed (in the container of D1, one end wall protrudes outward in the folded state, see left side of fig. 1).

2.1.3 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step because this document shows that a container of the same type can be collapsed by folding both end walls inwardly. Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed.

3 DEPENDENT CLAIMS 6, 11-18, 20, 21

Dependent claims 6, 11-18, 20 and 21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in

respect of inventive step (Article 33(3) PCT). The reason is that the additional features of claims 6, 13-15, 18 and 20 would be present in a container resulting from the combination of D1 and D2, since they are present in one or the other of the containers shown in these documents, that the additional features of claims 11 and 12 are a mere alternative to the strip shown in D1, that the additional features of claim 16 are known from D3, that the additional features of claim 17 are known from D4, and that the additional features of claim 21 relate to a well-known material for making this kind of light weight containers.

4 DEPENDENT CLAIMS 2-5, 7-10, 19

The combinations of the features of dependent claims 2-5, 7-10 and 19 are neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

- means on the lower edge of an end wall for locking a container in the erected state are not suggested by the prior art (claim 2);
- claims 3 and 4 depend on claim 2;
- there is not suggestion in the prior art for having two parallel hinge lines in the centre of the bottom so as to encompass the thickness of the other walls in the collapsed state (claim 5);
- claim 7 depends on claim 5;
- connection means as in claim 8, for securing the collapsed container, are not suggested;
- claims 9 and 10 depend on claim 8;
- the prior art does not suggest a handle located as in claim 19.

Re Item VII.

- 1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.